

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b> SUBJECT <b>PAROLE ELIGIBILITY/LIFER REVIEW REPORTS</b>	EFFECTIVE DATE 01/01/2001	NUMBER 06.05.103
	SUPERSEDES PD 06.05.103 (02/02/98)	
	AUTHORITY MCL 791.203; 791.233d; 791.235; 800.403a	
	ACA STANDARDS 2-1074; 2-1077; 2-1078; 3-3194; 3-4291; 3-ACRS-4G-05; 2-CO-4B-01	
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## POLICY STATEMENT:

Parole Eligibility/Lifer Review Reports (PERs) shall provide a summary of a prisoner's prior record, adjustment and other information to be considered by the Parole Board, as set forth in this policy.

## POLICY:

### GENERAL INFORMATION

- A. This policy does not apply to prisoners in the Special Alternative Incarceration Program.
- B. The Parole Board shall consider prisoners for parole as set forth in PD 06.05.104 "Parole Eligibility, Interviews and Decisions".
- C. For prisoners serving a sentence of a term of years, the parole eligibility date is the calendar minimum less applicable good time or disciplinary credits or, for habitual offenders, as set forth in PD 03.01.102 "Habitual Offenders".

### INITIATION OF PAROLE ELIGIBILITY/LIFER REVIEW REPORT (PER)

- D. The Manager of Management Information Services (MIS), Office of Planning, Research and Management Information Services, Administration and Programs, shall notify Wardens and, for prisoners in Community Residential Programs (CRP), Field Operations Administration (FOA) Supervisors/Managers when PERs are due for prisoners under their supervision who are serving a sentence of a term of years. Such notification shall be provided at least eight months prior to the prisoner's parole eligibility date or, for a prisoner previously denied parole, the parole reconsideration date. For a prisoner received less than eight months prior to the parole eligibility date, such notification will not be provided; instead, the PER shall be due as soon as possible and prepared as set forth in Paragraph G.
- E. Pursuant to PD 06.05.104 "Parole Eligibility, Interviews and Decisions", the Parole Board is required to interview a prisoner who is serving a life sentence at the conclusion of ten calendar years of the sentence, and review the prisoner's file every five years thereafter until the prisoner is granted a reprieve, commutation, pardon or, if applicable, parole. This includes prisoners serving a life sentence for a violation of the Controlled Substances Act (MCL 333.7101, *et seq.*). The Parole Board shall notify Wardens that a PER is due for a prisoner serving a life sentence at least eight months prior to each scheduled interview and review date.
- F. A PER also may be requested by the Parole Board for prisoners being considered for a special parole pursuant to PD 06.05.104 "Parole Eligibility, Interviews and Decisions".
- G. Each Warden and FOA Supervisor/Manager shall ensure PERs are prepared for prisoners under their supervision when notified by MIS or the Parole Board that a PER is due. Wardens of reception facilities shall ensure PERs are prepared for newly committed prisoners who are eligible for parole consideration within eight months after reception. Wardens and FOA Supervisors/Managers also shall ensure PERs are prepared as soon as possible when a special parole is recommended pursuant to PD 06.05.104

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"Parole Eligibility, Interviews and Decisions" for a prisoner under their supervision and when requested by the Parole Board.

- H. When notification is received that a PER is due for a prisoner being considered for transfer, every attempt shall be made to complete the PER prior to the prisoner's transfer. When it is not possible to complete the PER prior to transfer, adequate information shall be provided to the receiving facility or CRP location to enable timely preparation of the PER. Appropriate staff at the receiving facility or CRP location shall complete the PER as required.

#### PER PREPARER

- I. Each Warden and FOA Supervisor/Manager shall designate staff to prepare PERs for prisoners under their supervision. The PER preparer shall interview the prisoner and review with him/her the parole consideration process.
- J. Prior to the completion of the PER, the prisoner shall be provided a reasonable opportunity to review the contents of his/her Counselor file, unless the information is exempt from disclosure pursuant to PD 01.06.110 "Freedom of Information Act-Access to Department Public Records".
- K. The prisoner may present letters, offers of employment and other information supporting parole to the PER preparer. The PER preparer shall make note of this information in the PER and return to the prisoner all written information provided. The prisoner also may present this information directly to the Parole Board if interviewed.
- L. A copy of the completed PER shall be provided to the prisoner. The prisoner shall attempt to resolve any questions regarding the content of the PER with the PER preparer prior to the PER being submitted to the Parole Board. The prisoner may present any unresolved questions regarding the content of the PER to the Parole Board member.
- M. The PER preparer shall complete the Prisoner Record/Report Check-Off List (CSR-472) and ensure appropriate reports are requested. Reports of results from any physical and mental health examinations shall be requested from appropriate Bureau of Health Care Service (BHCS) staff. BHCS staff shall forward such reports directly to the Parole Board with notification to the PER preparer as to when the reports were sent. The PER preparer shall ensure all requested reports are received and placed in the prisoner's file or are sent directly to the Parole Board, as appropriate, prior to parole consideration. Questions from the Parole Board regarding receipt of required reports shall be directed to the appropriate Warden or FOA Supervisor/Manager for resolution.
- N. The completed PER shall be forwarded to the Parole Board at least seven months prior to the prisoner's parole eligibility or reconsideration date or, for a prisoner serving a life sentence, the interview or review date, as appropriate. A PER prepared upon the request of the Parole Board shall be forwarded as requested by the Parole Board.

#### CONTENT OF PER

- O. Each PER shall be prepared in accordance with OP 06.05.103 "Preparing Parole Eligibility/Lifer Review Reports", using the Parole Eligibility/Lifer Review Report form (CSJ-123). The report shall contain information as required by MCL 791.235 and any other information requested by the Parole Board, including but not limited to the following:
  - 1. The active offenses for which the prisoner is serving. For a prisoner subject to disciplinary time, the amount of disciplinary time the prisoner has accumulated which has not been reduced shall be indicated for each active sentence.
  - 2. The prisoner's prior criminal record.

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3. The prisoner's overall adjustment while incarcerated or since the last Parole Board review date, as appropriate. This shall include a summary of major misconduct violations by the prisoner.
  4. The prisoner's current status toward completion of programs recommended in accordance with PD 04.01.105 "Reception Center Services" and PD 05.01.100 "Prisoner Program Classification". For a prisoner sentenced to serve a minimum sentence of two years or more for a crime committed after December 15, 1998, the PER shall indicate if the prisoner is exempt from General Education Development (GED) requirements pursuant to PD 05.02.112 "Education Programs for Prisoners". If not exempt and currently enrolled in GED programming, an estimated date of completion shall be included.
  5. The prisoner's adjustment while in CRP or on parole for an active sentence, if applicable.
  6. The prisoner's cooperation in providing information regarding his/her financial assets as required pursuant to PD 04.02.140 "Reporting of Offender Assets".
  7. The prisoner's parole plans unless the PER is being prepared for a prisoner serving a life sentence or being considered for a special parole pursuant to PD 06.05.104 "Parole Eligibility, Interviews and Decisions". In such cases, the prisoner's parole plans shall be included only upon request of the Parole Board.
- P. The PER shall be prepared using information contained in the prisoner's files unless noted as an opinion of the PER preparer or as a statement by the prisoner. The PER shall not include a recommendation for or against parole.

#### OPERATING PROCEDURE

- Q. Each Correctional Facilities Administration (CFA) Regional Prison Administrator and the FOA Deputy Director shall ensure that within 60 days of its effective date, procedures necessary to implement this policy directive are developed.

#### AUDIT ELEMENTS

- R. A Primary Audit Elements List has been developed and will be provided to Wardens and FOA Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

BM:OPH:12/19/00